

## **Abstract**

### **A comparison of copyright protection of authors and performing artists**

The aim of this thesis is to compare the legal regulation of the authors' rights in their works and the performing artists' rights in their performances as it arises from the Czech Copyright Act.

I have chosen this topic because it requires profound study of the Copyright Act, good understanding of most of its provisions and their analysis. In my opinion, this kind of research could be very useful in my upcoming profession. Besides it seems to be quite an actual theme, as for example the term of protection of these rights is largely discussed of late.

The structure of this paper is following. The first three chapters are introducing the main characteristics of the authors' and performing artists' rights, their development and the main sources. Other chapters are dealing with the comparison of the protection itself. I examine the aspects I consider to be crucial. It is the subject of the rights, the object, moral and economic rights, the criteria of the protection, the contractual and non-contractual obligations and the term of protection. Two final chapters are focused on the collective management and the infringement of copyright.

It can be concluded that the protection of the performing artists' rights is a bit weaker. It is mostly justifiable by the practical reasons. For example, when the performing artists are performing in a group, not each individual artist has the right to be named. Otherwise it would be quite difficult to name every musician in an orchestra having a number of members.

However the most significant difference in the copyright protection of the authors' and performing artists' rights, the term of protection of the economic rights, is not based on the convincing justification. In the authors' case it lasts his whole life and then the 70 years after his death, but in the performers' case it lasts only 50 years after the creation of the performance. This issue has been widely debated in the last years and the result of these discussions is that the EU is about to extend the duration of the performers' economic rights related to the performances fixated on a phonogram to 70 years as well.